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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,258	02/15/2001	Serge Willenegger	000186	4926
23696	7590	12/15/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			HSU, ALPUS	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,258

Applicant(s)

WILLENEGGER, SERGE

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/15/01 and 8/9/02</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, 12-18, 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by MOON et al. in U.S. Patent Pub. No. US 2003/0026219.

Referring to claims 1, 20 and 24, MOON et al. discloses a method and an apparatus for supporting power control for a plurality of channels via a common feedback stream in a wireless communication system, comprising receiving a plurality of transmissions on the plurality of channels (see section [0048] lines 11-12); determining signal quality of the transmission on each channel (see section [0048] lines 12-14); generating power control information for each channel based on the determined received signal quality for transmission received on the channel (see section [0048] lines 14-17); multiplexing power control information generated for the plurality of channels on a plurality of feedback substreams defined based on the feedback stream (see section [0020] lines 1-6, section [0060] lines 1-9); and transmitting the plurality of feedback substreams (see section [0048] lines 14-17).

Referring to claim 2, MOON et al. discloses each feedback substream is assigned to a respective channel to be independently power controlled (see section [0056] lines 3-7, 12-19).

Referring to claims 3, 5, 7, 21-23, 25 and 26, MOON et al. discloses each feedback substream is formed by a power control field transmitted in a series of slots, with each slot

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corresponding to a particular time interval, and each feedback substream is assigned to a respective set of slots (see section [0064] lines 1-10).

Referring to claim 4, MOON et al. discloses the power control information generated for each feedback substream is transmitted in the power control field (see section [0067] lines 9-17).

Referring to claims 12-14 and 18, MOON et al. discloses the plurality of channels include dedicated channel and a shared channel for feedback during different time periods (see section [0018] lines 1-7, section [0019] lines 2-10).

Referring to claims 15 and 16, MOON et al. discloses the power control information comprises power control bits indicative of whether the received signal quality is above or below a target level, and comprises values indicative a received signal-to-noise-plus-interference ratio (see section [0072] lines 8-23).

Referring to claim 17, MOON et al. discloses the wireless communication system conforms to W-CDMA standard (see section [0012] lines 2-4).

Claim Rejections - 35 USC § 103

3. Claims 6, 8, 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over MOON et al. in U.S. Patent Pub. No. US 2003/0026219.

Referring to claims 6, 8, 9 and 27, MOON et al. differs from the claims, in that it does not disclose the assignment of slots are selected based on a particular repeating pattern. However, MOON et al. does disclose the assignment of slots are selected based on a slot hopping pattern (see section [0064] lines 1-17). The use of repeating pattern for slot assignment/selection is well known in the art and commonly applied in communications field. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a particular repeating

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pattern instead of slot hopping pattern for providing time division multiple access data communication complying with the system requirement.

4. Claims 10, 11, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over MOON et al. in U.S. Patent Pub. No. US 2003/0026219 in view of WALTON et al. in U.S. Patent No. 6,252,865.

Referring to claims 10, 11, 19 and 28, MOON et al. differs from the claims, in that it does not disclose the particular feedback rate for the feedback substreams and feedback stream, which is also known in the art as design choice. WALTON et al., from the similar field of endeavor, teaches the selection of the particular feedback rate for the feedback substreams and feedback stream as design choice (see col. 16, line 58 to col. 17, line 21), which can be easily adopted by one of ordinary skill in the art to implement into the method and system of MOON et al. to provide the same method and system as claimed to conform with the system standards and requirements.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tiedemann, Jr., Hashem et al. '239 & '456, and Walton '488 are all cited to show the common feature of power control in CDMA cellular system utilizing power control bits/commands similar to the claimed invention.

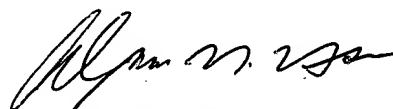
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu
Primary Examiner
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